

ZONING BOARD OF APPEALS
JULY 21, 2014 MEETING MINUTES

PRESENT: Chairperson Ron Nolland, Maurica Gilbert, Michelle LaBounty,
Connie Fisher, Scott DeMane

ABSENT: Karl Weiss, (Alt.), Kathy Latinville (Alt.)

ALSO PRESENT: Joseph McMahon, Building Inspector
Terry & Joanna Goldfarb
Richard & Maribeth Caudill

Appeal #2001 Terry & Joanna Goldfarb

Appeal #2002 Terry & Joanna Goldfarb

Mr. Nolland called the meeting to order at 7:00 PM. He advised this is a 5 person board, which consists of 5 regular members and 2 alternate members. No one lives within 500'. For each application, 3 positive votes are needed to carry any motion. The applicant has a right to postpone on Board's behalf one time

The below items were on tonight's agenda.

APPEAL	APPLICANT	REQUEST
2001	TERRY AND JOANNA GOLDFARB 5 DRAPER AVENUE	CLASS B VARIANCE SUBDIVIDE LOT TO CREATE SUBSTANDARD LOT WIDTH FROM 60' TO 50', AND EXISTING STRUCTURE WILL BE TOO CLOSE TO LOT LINE
2002	TERRY AND JOANNA GOLDFARB 7 DRAPER AVENUE	CLASS B VARIANCE ERECT NEW GARAGE TOO CLOSE TO PROPERTY LINE WILL EXCEED MAXIMUM LOT COVERAGE SLIGHTLY

The **first** item on the agenda was Appeal #2001, Terry and Joanna Goldfarb 5 Draper Avenue for a Class B Area Variance to subdivide lot to create a substandard lot and the **second** item, Appeal #2002, was a Class B Variance for Terry and Joanna Goldfarb, 7 Draper Avenue to erect a new garage too close to the property line.

[Meter 1:34]

Mr. Nolland advised if you increase the lot size, you do not exceed coverage. Mr. McMahon agreed with that statement for 7 Draper.

The County deemed both these variances local issues.

Mr. Nolland stated the SEQR's were exactly the same.

Mr. Nolland explained if they did grant a variance to change the lot line, the Planning Board would have to approve the subdivision portion. The Board seemed to be having more of a problem creating a substandard lot. The other house will be so close to the lot line.

The Board understood the applicants wanted to build a garage so the question might be does the board want to think about building the right size garage but on the present property - instead of moving it over and allowing the applicant close to the property line between 5 and 7 and exceed coverage on that lot.

Mr. Goldfarb understood and respected this information but stated he would rather not do that because this lot is so narrow. They made those huge houses on Draper Avenue. He did not want to encroach on the little grass that he has. He wants to build on the left and keep the right the same.

Mr. Goldfarb also advised they have 2 vehicles and one driveway. One vehicle is always on the grass. #5 Draper is the rental.

[Meter 5:40 – Discussion on widening driveway, not changing front to of house, not to sell 5 Draper, 7 Draper having a huge back yard]

Green space between house and driveway would remain.

Mr. McMahon advised you can pave 3' from the property line.

Mr. Goldfarb explained the driveway used to be narrower. One foot of this driveway is on 5 Draper Avenue.

Ms. Fisher asked why he needed 10' and could he do it with less. Mr. Goldfarb said he could do it with less. If he could come back 3' off the property line and put his new garage in...his old garage was only 12' wide. He would gain 7' if the Board allowed him to go 3' to the rental house. Then that would be the 18' garage and would not encroach on his already tiny lawn.

Ms. Goldfarb added it would be nice to be able to build bigger.

[Meter 12:00 - Discussion about bigger garage, problem taking 10' off from 5 Draper Avenue, side yard setback, all homes on Draper are on property line].

PUBLIC HEARING:

Mr. Caudill, 17 Sandborn Avenue stated the regulations are there for a reason. He didn't see why the fact that the garage burned is a reason to not go by the regulations. You do have to move forward to the future when these 2 properties aren't going to be together. At some point they probably are going to be separate. He doesn't see a lot of 2 car garages on Draper Avenue. He questioned the drainage and green space.

CLOSED PUBLIC HEARING [Meter 15:37]

Ms. Gilbert questioned lot #5. Mr. Goldfarb explained he rents to a bunch of guys.

Ms. Goldfarb added they do use the back yard.

Ms. Gilbert stated as long as the applicant continues to own both properties, he can see him doing the garage on his own property and compliant with whatever variances they give but at the same time there is nothing that says you can't own both properties and fence off a good size section of the property next door back yard for your own use because you control it. There is nothing that says you can't put up a fence and have a portion of the huge back yard for yourselves. It would deprive it from those tenants. If the applicant believes he will own these 2 properties for a long time, he gets that green space.

There will be an expense to do the subdivision.

[Meter 19:00 Lengthy discussion on various problems being 3' from property line, intent of this variance, dimensions of old garage, being 5' from property line, spirit of the code; being 8' from the property line; 5 Draper needing a subdivision, % coverage on 7 Draper].

Mr. Caudill commented on his neighbor to the north. [Meter 29:35]

APPEAL #2001:

SEQR:

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Question 5

Change "yes" to a "no."

It was noted that Part 2 had been filled out by the applicant and not the Board.

MOTION 1:

By Ms. Gilbert, seconded by Mrs. LaBounty

**REGARDING PART 2 OF THE SHORT FORM SEQR, QUESTIONS 1 – 11, THAT
THE ANSWER SHALL BE NO OR SMALL IMPACT MAY OCCUR FOR ALL THE
ABOVE INFORMATION ON THE SEQR**

ALL IN FAVOR

MOTION 2:

By Ms. Gilbert, seconded by Mr. DeMane

**REGARDING PART 3 FINDING NO SIGNIFICANT ADVERSE ENVIRONMENTAL
IMPACT**

ALL IN FAVOR

MOTION 3:

By Ms. Gilbert, seconded by Mr. DeMane

**REGARDING APPEAL #2001, 5 DRAPER AVENUE TO GIVE A CLASS B AREA
VARIANCE TO SUBDIVIDE THE LOT TO CREATE A SUBSTANDARD LOT
CHANGING IT FROM 60' TO 55' AND THE PROPERTY LINE ON THE NORTH
SIDE OF 5 DRAPER SHALL BE 8' FROM THE BUILDING**

ALL IN FAVOR: 5

OPPOSED: 0

MOTION APPROVED

APPEAL #2002 – 7 Draper Avenue:

Mr. Nolland said this appeal is to erect a new garage too close to the property line and will exceed lot coverage slightly by 2.7%.

The previous appeal was to move existing porch and expand kitchen into this area. (Area Variance).

SEQR:

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Question 5

Change "yes" to a "no."

The following motion (from a previous variance) was read into the record:

"To grant Appeal #1870, Terry Goldfarb, 7 Draper Avenue, a Class B Variance to remove the existing porch as shown in the diagrams and expand the kitchen into this area which which does not comply with the required sideyard combination and making sure water stays on his property."

Mr. DeMane said the brief description on the Short Form SEQR was not correct.

Ms. Gilbert said the description should say, they want to build a garage that's too close to the property line. The Board then changed that information on the Short Form SEQR.

MOTION 1:

By Ms. Gilbert, seconded by Mr. DeMane

REGARDING PART 2 OF THE SHORT FORM SEQR FOR APPEAL #2002, 7 DRAPER AVENUE WHERE THE BOARD AGREES AFTER HAVING CHANGED CERTAIN ANSWERS ABOVE THAT 1 – 11 WILL BE ANSWERED NO OR SMALL IMPACT MAY OCCUR

ALL IN FAVOR

MOTION 2:

By Ms. Gilbert, seconded by Mr. DeMane

THAT THE BOARD WANTS TO CHECK BOX 2 IN FINDING NO SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT BASED UPON THE ANSWERS ABOVE

ALL IN FAVOR

MOTION 3:

By Mr. DeMane, seconded by Mrs. LaBounty

TO APPROVE A CLASS B VARIANCE FOR APPEAL #2002, 7 DRAPER AVENUE TO ERECT A NEW GARAGE TOO CLOSE TO THE PROPERTY LINE EXCEEDING THE COVERAGE BY 2.75 TOTAL OF 179 SQUARE FEET FOR A TOTAL ALLOWED OF 27.7%, RECOGNIZING THAT THE GARAGE WILL BE ON THE PROPERTY LINE

Ms. Gilbert said she was hoping to add that the water has to be self-sufficient.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION APPROVED

MOTION :

By Mr. DeMane, seconded by Mrs. LaBounty

TO APPROVE THE JUNE 16, 2014 ZONING BOARD MINUTES

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION TO ADJOURN:

By Mr. DeMane, seconded by Ms. Gilbert

ALL IN FAVOR

MOTION PASSED

Meeting adjourned at 7:50 PM

For the purpose of this meeting, this meeting was recorded on the VIQ System in the Common Council Chambers. This is a true and accurate copy and transcription of the discussion.

Denise Nephew
Secretary
Zoning Board of Appeals